

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Nevins	Team: Team # 5	CCRB Case #: 200302793	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/16/2003 9:30 PM	Location of Incident: § 87(2)(b)	Precinct: 73	18 Mo. SOL 10/16/2004	EO SOL 10/16/2004	
Date/Time CV Reported Wed, 04/16/2003 11:30 PM	CV Reported At: Other NYPD unit	How CV Reported: In-person	Date/Time Received at CCRB Thu, 04/17/2003 2:02 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Lisette Ramos	26268	931009	PSA 3
2. POM Brian Ramos	09885	931004	PSA2
3. LT Brian McGee	00000	898020	PSA2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Gregory Green	04641	900363	PSA2

Officer(s)	Allegation	Investigator Recommendation
A.POM Brian Ramos	Force: Officer Brian Ramos used physical force against § 87(2)(b)	§ 87(2)(b)
B.POF Lisette Ramos	Force: Officer Lisette Ramos used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Brian Ramos	Abuse: Officer Brian Ramos threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
D.LT Brian McGee	Abuse: Lieutenant Brian McGee threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
E.POM Brian Ramos	Discourtesy: Officer Brian Ramos spoke rudely to § 87(2)(b).	§ 87(2)(b)
F.POF Lisette Ramos	Discourtesy: Officer Lisette Ramos spoke rudely to § 87(2)(b).	§ 87(2)(b)
G.POF Lisette Ramos	Abuse: Officer Lisette Ramos refused to provide her name and shield number to § 87(2)(b)	§ 87(2)(b)

Synopsis

Complainant § 87(2)(b) a § 87(2)(b)-old black female § 87(2)(b), and her son, § 87(2)(b) a § 87(2)(b)-old black male § 87(2)(b), allege that Officer Brian Ramos and Officer Lisette Ramos used excessive physical force when they arrested § 87(2)(b) at approximately 9:30 PM on 4/16/03, at § 87(2)(b) in Brooklyn (**Allegations A and B**). Officer Brian Ramos allegedly pushed § 87(2)(b) into a wall, “slammed” him onto the floor and pushed him into a window. Officer Lisette Ramos allegedly pushed § 87(2)(b)’s face into the ground and punched him in the face. Officer Brian Ramos and Lieutenant Brian McGee allegedly threatened § 87(2)(b) with the use of force by saying they would have to “break his shit” and “break his arms” respectively (**Allegations C and D**). § 87(2)(b) alleges that Officer Brian Ramos and Officer Lisette Ramos spoke rudely towards him (**Allegations E and F**) saying to § 87(2)(b) “What the fuck...walk, stupid,” “you’re nothing but a punk bitch...and a perp,” and, “I’m going to rip your shit up.” § 87(2)(b) also alleges that Officer Lisette Ramos refused to provide her name and shield number when he asked for it at the station house (**Allegation G**). The officers were all working at P.S.A. #2 at the time of the incident. § 87(2)(g)

§ 87(2)(b) admitted to resisting the officers’ efforts to place him under arrest and into the police vehicle at the scene. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) reported the incident at the P.S.A. #2 station house directly following the incident, resulting in IAB Log #03-08931, which was subsequently referred to the CCRB. This case was reassigned to Investigation Jessica Nevins on 7/28/03.

Summary of Complaint

April 16, 2003: The complainant § 87(2)(b) went to the P.S.A. #2 station house and filed a Civilian Complaint Report, stating that she observed the female officer involved in her son § 87(2)(b)’s arrest strike him while he was handcuffed and in a police vehicle (enc. 6a-c).

May 7, 2003: § 87(2)(b) was interviewed at the CCRB on this date (enc. 9a-c). On 4/16/03 at approximately 9:30 PM, § 87(2)(b) was alerted by her nephew, § 87(2)(b) that her son, § 87(2)(b) was being arrested in front of her residence. § 87(2)(b) went downstairs and saw § 87(2)(b) in handcuffs. He was being placed into the back seat of a marked police vehicle. Approximately six police officers were present at the location, two officers wearing white shirts and four officers wearing blue uniforms.

§ 87(2)(b) was irate. She asked the officers what § 87(2)(b) had done and what he was being arrested for. The officers did not answer her questions. A supervising officer wearing a white shirt, identified during the investigation as Lieutenant Brian McGee, told § 87(2)(b) to step away from the marked police vehicle her son was being placed into. § 87(2)(b) told the officers repeatedly, “Just talk to my mother.” The officers were trying to force § 87(2)(b) into the back of the marked police vehicle (**Allegations A and B**). They instructed § 87(2)(b) to comply with their requests and get into the marked police vehicle. Lieutenant McGee stated that if § 87(2)(b) would not allow himself to be put in the vehicle the officers would have to “break his arm” (**Allegation D**).

§ 87(2)(b) eventually got into the vehicle on the left side. He then moved over so that he was on the right side of the back seat of the vehicle. A female officer walked from the left side of the vehicle to the right side. § 87(2)(b) was standing at the left side of the vehicle. She saw the female officer reach into the open window and punch § 87(2)(b) somewhere in the vicinity of his head or neck (**Allegation B**). From § 87(2)(b)’s perspective she could not see where the punch connected with § 87(2)(b)’s body.

§ 87(2)(b) said, “What the fuck are you doing to my son?” The officers were attempting to lead § 87(2)(b) away from the marked police vehicle. She continued to ask what § 87(2)(b) had been arrested for. Lieutenant McGee replied that he did not know yet. § 87(2)(b) cursed loudly at Lieutenant McGee. The officers never responded to § 87(2)(b)’s questions. They quickly got into their vehicles and left the scene.

After § 87(2)(b) was taken away for arrest processing, § 87(2)(b) went to P.S.A. #2 directly to file a Civilian Complaint Report against the officers. Sergeant Gregory Green was present at the station house and took her complaint. Sergeant Green was also at the scene of § 87(2)(b)’s arrest. § 87(2)(b) was in police custody for approximately forty-six hours. She believes that his arrest had to be re-processed. § 87(2)(b) did not receive medical attention. She did not observe any injuries when he was released.

April 17, 2003: The victim § 87(2)(b) was interviewed at P.S.A. #2 by IAB Group #9 investigators in connection with IAB Log #03-08931 on this date (enc. 10a-b). § 87(2)(b) stated that he interfered with police officers who were attempting to issue a summons to his cousin, § 87(2)(b) for § 87(2)(b). The male officer present pulled him out of the lobby elevator and “hurt his arm” while placing him on the floor. The female officer pushed his face into the floor, and later punched him in the face while he resisted being placed in a police vehicle.

May 7, 2003: § 87(2)(b) was interviewed at the CCRB on this date (enc. 10c-e). On 4/16/03 at approximately 9:30 PM, § 87(2)(b) was with his cousin, § 87(2)(b). They entered § 87(2)(b)’s residence. § 87(2)(b) had been smoking a cigarette and had given the cigarette to § 87(2)(b) before entering the building. They walked by two police officers in uniform standing outside, identified during the investigation as Officer Lisette Ramos and Officer Brian Ramos. § 87(2)(b) and § 87(2)(b) entered the lobby and proceeded towards the elevator. Officer Lisette Ramos and Officer Brian Ramos followed § 87(2)(b) and § 87(2)(b) into the lobby and held the elevator door open. Officer Lisette Ramos asked § 87(2)(b) to exit the elevator. § 87(2)(b) asked, “For what?” She did not respond. § 87(2)(b) asked her if § 87(2)(b) was going to get a summons. Again, she did not respond. Officer Brian Ramos stated, “Get out of the elevator now.” He told § 87(2)(b) that he was holding a cigarette. However, § 87(2)(b) was the one holding the cigarette. § 87(2)(b) told § 87(2)(b) to drop the cigarette down the elevator shaft, and § 87(2)(b) did.

Officer Brian Ramos was angered by this action and pulled § 87(2)(b) out of the elevator. He pushed § 87(2)(b) (**Allegation A**). § 87(2)(b) asked why he had been pushed. Officer Brian Ramos asked, “What are you going to do about it?” § 87(2)(b) asked Officer Brian Ramos if he was going to issue § 87(2)(b) a summons. Officer Brian Ramos told § 87(2)(b) that if he said another word he would be arrested for Resisting Arrest. § 87(2)(b) asked why he would be arrested when it was § 87(2)(b) who brought the cigarette into the building lobby. Officer Brian Ramos “slammed” § 87(2)(b) against a wall, pulled § 87(2)(b)’s left arm behind his back and said, “If you make a sound, I’m going to break your shit” (**Allegations A and C**). He then brought § 87(2)(b) to the ground and handcuffed him. While he was doing this, Officer Lisette Ramos walked over and tried to push § 87(2)(b)’s face into the ground with her hands (**Allegation B**). Officer Brian Ramos picked § 87(2)(b) up off of the ground and walked him outside of the building lobby, pushing § 87(2)(b) against the glass window in the front door of the building (**Allegation A**). § 87(2)(b) ran upstairs to get § 87(2)(b)’s mother, § 87(2)(b) to come downstairs.

Officer Brian Ramos tried to push § 87(2)(b) down the steps in front of § 87(2)(b). § 87(2)(b) protested and stated, “I can walk on my own.” He replied, “What the fuck do you think this is? So walk, stupid” (**Allegation E**). Officer Brian Ramos then pushed § 87(2)(b) so that he slipped down two of the four or five steps. He then told § 87(2)(b) that he was “nothing but a punk bitch” and “nothing but a perp” (**Allegation E**).

§ 87(2)(b) came out of § 87(2)(b). When the two officers saw § 87(2)(b) they told § 87(2)(b) to “get in the back of the car.” § 87(2)(b) replied, “Hold on, you haven’t told me what I’m being arrested for.” Officer Brian Ramos replied, “§ 87(2)(b).” § 87(2)(b) replied, “Okay, tell my mother that. I’ll wait right here.” Officer Lisette Ramos and Officer Brian Ramos then tried to push § 87(2)(b) into the back of a marked police vehicle on the driver’s side (**Allegations A and B**). § 87(2)(b) resisted the

officers' efforts to do this. Two additional police officers arrived at the scene in another marked police vehicle. They assisted Officer Lisette Ramos and Officer Brian Ramos in "throwing" § 87(2)(b) into the back seat of the vehicle. Two of the officers pulled § 87(2)(b) by his shirt into the back of the car from the passenger's side of the car. Officer Lisette Ramos then went around to the passenger's side of the car and punched § 87(2)(b) in the face (**Allegation B**). Officer Brian Ramos then shut the back right car door. § 87(2)(b) stated he was not sitting down when he was punched. He explained that he was attempting to get out of the vehicle. § 87(2)(b) cried out, "Mom, she hit me, she hit me." § 87(2)(b) began screaming at the "captain" that was present, "What are you doing to my son?" § 87(2)(b) was then driven away from the scene.

§ 87(2)(b) stated that at the 73rd Precinct station house he repeatedly asked Officer Lisette Ramos for her name and badge number, yet she refused to provide this information (**Allegation G**). At one point she stated, "Keep asking questions and I'm going to rip your shit up" (**Allegation F**). She was referring to § 87(2)(b)'s arrest paperwork. § 87(2)(b) was in police custody for three days. When he was presented at Central Booking, he was told by an officer that his arrest paperwork was incorrect and that he still needed to be fingerprinted. § 87(2)(b) was then fingerprinted at Central Booking. § 87(2)(b) was under the impression that his arresting officer tore up his arrest paperwork so that he would be in custody longer. § 87(2)(b) did not receive any medical attention, as he was told this would delay the processing of his arrest.

Results of Investigation

Civilian Witness Statements

§ 87(2)(b)
June 23, 2003: § 87(2)(b) was interviewed over the telephone on this date (enc. 12). On 4/16/03, § 87(2)(b) walked into the lobby of § 87(2)(b) with a lit cigarette. § 87(2)(b) was with him. While § 87(2)(b) and § 87(2)(b) were waiting for the elevator, two officers Officer Lisette Ramos and Officer Brian Ramos, who had been standing outside the front entrance of the building, entered the lobby. Officer Lisette Ramos said to § 87(2)(b) "You. Come over here." The elevator opened. § 87(2)(b) turned around and asked, "Is there a problem?" § 87(2)(b) stepped between § 87(2)(b) and the two officers. § 87(2)(b) asked the officers if they had a problem. They told § 87(2)(b) that they weren't addressing him. § 87(2)(b) asked Officer Lisette Ramos what she wanted, and she responded, "I'll tell you when you come over here." § 87(2)(b) continued to stand in front of § 87(2)(b).

Officer Brian Ramos walked up to § 87(2)(b) and stated, "We aren't talking to you. We're talking to § 87(2)(b) because he has a lit cigarette." § 87(2)(b) grabbed § 87(2)(b) cigarette and threw it down the elevator shaft. Officer Brian Ramos grabbed § 87(2)(b) and pushed him against one of the walls in the lobby. § 87(2)(b) observed Officer Brian Ramos throw § 87(2)(b) to the ground. § 87(2)(b) had his hands up. When he was thrown to the ground, § 87(2)(b) was saying, "I'm not trying to hit you. I'm not resisting." Officer Brian Ramos was trying to bend § 87(2)(b)'s arms behind his back. § 87(2)(b) then went upstairs to get his aunt, § 87(2)(b).

§ 87(2)(b) went outside of the building and observed officers trying to push § 87(2)(b) into the back of a marked police vehicle. The officers pushed § 87(2)(b) into the back seat so that he was lying across it. § 87(2)(b) observed Officer Lisette Ramos walk around the vehicle and hit § 87(2)(b) in the head. § 87(2)(b) was standing six feet away from the vehicle when he observed this. After she struck § 87(2)(b) she turned to the crowd and said, "So what?"

§ 87(2)(b) observed Officer Lisette Ramos' fist connect with § 87(2)(b). When asked what part of the body her fist connected with, he stated he would have to go check with § 87(2)(b). § 87(2)(b) then stated that her fist hit § 87(2)(b) somewhere "in the facial area."

It is noted that initially during the interview, § 87(2)(b) stated that he did not exit the building while § 87(2)(b) was put in the police vehicle. § 87(2)(b) stated that he remained in his residence and heard from people afterwards what had happened and that § 87(2)(b) had been struck by Officer Lisette Ramos.

§ 87(2)(b)
June 23, 2003: § 87(2)(b) was interviewed over the telephone on this date (enc. 11). On 4/16/04, § 87(2)(b) was inside of her apartment when her cousin § 87(2)(b) entered and informed § 87(2)(b) that her brother § 87(2)(b) was being arrested outside for no reason. § 87(2)(b) and her mother § 87(2)(b) ran downstairs. When they got outside of the building, § 87(2)(b) saw three male police officers in uniform struggling to put § 87(2)(b) into the back seat of a marked police vehicle. § 87(2)(b) was holding himself against the back driver's side door. The officers were yelling at him to get into the car. They had their hands on § 87(2)(b)'s shoulders and were trying to push him into the car. § 87(2)(b) was in handcuffs and he was yelling, "I'm not going anywhere until you tell me why I'm being arrested. Talk to my mother." § 87(2)(b) and § 87(2)(b) asked the police officer why § 87(2)(b) was being arrested. An officer told § 87(2)(b) that he would explain it to them when § 87(2)(b) was secured inside of the vehicle.

Five or six uniformed police officers were present. There was one Hispanic female present, three white male officers and one black male officer. § 87(2)(b) yelled to § 87(2)(b) "Get your ass inside the [police car]." § 87(2)(b) was finally placed in the back seat. § 87(2)(b) was lying across the backseat of the RMP when he got inside. The officers stated that they did not know why § 87(2)(b) was being arrested and that the arresting officers were not present.

§ 87(2)(b) was standing at the front of the driver's side of the police car while § 87(2)(b) was laying in the back seat. His head was closest to the back passenger's side door. § 87(2)(b) observed Officer Lisette Ramos walk from the driver's side of the vehicle to the open back passenger's door and strike § 87(2)(b) in the head. § 87(2)(b) stated that from her perspective she could not see Officer Lisette Ramos' fist make contact, but she did see her raise her hand and bring it down. § 87(2)(b) started yelling, "She hit me! She hit me!" After § 87(2)(b) was struck, the officers got into their vehicles and drove away.

§ 87(2)(b) remained inside of the building and did not come outside to witness § 87(2)(b) being arrested and placed inside of the police vehicle.

Police Officer Interviews

Subject Officer Lisette Ramos of P.S.A. #3

August 11, 2003: Officer Lisette Ramos was interviewed at the CCRB on this date (enc. 13a-f). Although Officer Lisette Ramos is assigned to P.S.A. #3, at the time of the incident in question she was temporarily assigned to P.S.A. #2. On 4/16/03 she was patrolling a foot post at Van Dyke Housing with Officer Brian Ramos. She read her Memo Book entries pertinent to the arrest, beginning with one entered for 9:20 PM: "Stopped male in lobby elevator smoking cigarette. Upon attempting to issue summons male ID as § 87(2)(b), § 87(2)(b) did prevent me from performing duties by stepping between violator and myself and removing cigarette from violator's hand. Defendant became violent and upon attempting to arrest him § 87(2)(b) he had to be physically restrained." A sergeant reported to the scene at 9:29 PM. She reported that there was one under arrest at 9:34 PM and she headed back to the station house at 9:45 PM to process the arrest.

At approximately 9:15 PM, she and Officer Brian Ramos reported to § 87(2)(b) to perform a vertical patrol of the building. While standing outside of the front entrance to the building she observed two black male individuals, § 87(2)(b) and § 87(2)(b) enter the lobby at approximately 9:20 PM. § 87(2)(b) was smoking a cigarette. The officers followed them into the lobby. § 87(2)(b) and § 87(2)(b) entered the elevator. Officer Lisette Ramos stopped § 87(2)(b) and told him to step out of the elevator so that she could issue him a summons § 87(2)(b). § 87(2)(b) positioned himself between § 87(2)(b) and Officer Lisette Ramos. He took the cigarette from § 87(2)(b) hand, put it on the floor, stepped on it and said to Officer Lisette Ramos, "I took care of this." Officer Brian Ramos pulled § 87(2)(b) out of the elevator and into the lobby as neither individual complied with Officer Lisette Ramos' instructions to step outside of the elevator. During this transition from the elevator to the lobby, § 87(2)(b) placed his hands on Officer Lisette Ramos. At this point the officers intended to arrest § 87(2)(b) § 87(2)(b). Officer Brian Ramos placed § 87(2)(b) on the lobby floor.

while Officer Lisette Ramos made sure that § 87(2)(b) did not interfere. Eventually § 87(2)(b) left the lobby in the elevator. § 87(2)(b) resisted the officers' attempts to place him in handcuffs by moving about the floor. However, it was only a matter of seconds before § 87(2)(b) was restrained and successfully placed in handcuffs. § 87(2)(b) was escorted out of the building by both officers immediately after being placed in handcuffs.

Officer Lisette Ramos denied that she pressed § 87(2)(b)'s face into the floor with her hands while placing him in handcuffs. She denied that Officer Brian Ramos made any threats of force or said anything like, "If you make a sound, I'm going to break your shit" to § 87(2)(b). Officer Lisette Ramos stated that the minimal amount of force was used to affect the arrest of § 87(2)(b). She denied that § 87(2)(b) was pushed into the walls or windows by the front doors while he was escorted outside. She also denied that Officer Brian Ramos pushed him down the stairs outside. She denied that Officer Brian Ramos made any discourteous comments to § 87(2)(b) as he was escorted from the building, such as, "What the fuck do you think this is? Walk, stupid," "You're nothing but a punk bitch," or "You're nothing but a perp."

The officers led § 87(2)(b) to a marked police vehicle that had arrived in front of the building. Lieutenant Brian McGee was present. Officer Lisette Ramos and Officer Brian Ramos opened the back door of the vehicle and attempted to place § 87(2)(b) inside. § 87(2)(b) resisted being placed into the vehicle. He was sitting on the seat, but his legs were outside of the car kicking Officer Brian Ramos. Officer Lisette Ramos went around to the other side of the vehicle and opened the other door to pull § 87(2)(b) into the car. Another officer assisted her and grabbed § 87(2)(b) by the collar to pull him entirely into the back seat. During this struggle, Officer Lisette Ramos' hand slipped and brushed § 87(2)(b)'s check. He started to yell, "Police brutality!" Officer Lisette Ramos stated that neither she nor any other officer present hit or punched § 87(2)(b) and that they were only trying to get him inside of the vehicle. In effect, § 87(2)(b) was positioned horizontally on the back seat. Eventually they got his legs inside and closed the door.

Officer Lisette Ramos stated that the only civilian present was § 87(2)(b), § 87(2)(b)'s mother. § 87(2)(b) did not appear at any other point during the incident. § 87(2)(b) was standing on the sidewalk speaking with Lieutenant McGee, asking him what her son had been arrested for. Officer Lisette Ramos denied hearing Lieutenant McGee tell § 87(2)(b) that they would have to break § 87(2)(b)'s arms to get him into the vehicle. When § 87(2)(b) heard § 87(2)(b) yelling, "Police brutality," she ran over to the vehicle and said, "I saw her! I saw her!"

Officer Lisette Ramos denied that she or any other officer present pushed § 87(2)(b) into the vehicle. She denied that she or any other officer present "threw" § 87(2)(b) into the vehicle. She denied that she punched § 87(2)(b) and reiterated that her hand unintentionally brushed his face with her hand while he resisted her attempts to secure him inside of the vehicle.

Sergeant Gregory Green reported to the location after § 87(2)(b) had been secured in the vehicle. Officer Lisette Ramos estimated that there were approximately six total officers at the location by the conclusion of the incident. § 87(2)(b) was transported to the station house soon after. Officer Lisette Ramos processed his arrest. Officer Lisette Ramos stated that § 87(2)(b) did not ask for her name and shield number at any point during their interaction and that Lieutenant McGee had given § 87(2)(b)'s mother Officer Lisette Ramos' name and shield number. Officer Lisette Ramos denied saying anything to the effect of, "Keep asking questions and I'm going to rip your shit up," to § 87(2)(b).

Subject Officer Brian Ramos formerly of P.S.A. #2

August 12, 2003: Officer Brian Ramos was interviewed at the CCRB on this date (enc. 14a-f). Officer Brian Ramos is now assigned to Housing Brooklyn. On 4/16/03, he was patrolling a foot post at Van Dyke Housing with Officer Lisette Ramos. He read his Memo Book entries pertinent to the incident for the record: "At t/p/o Defendant prevented partner from issuing a summons to a third party by Pushing PO L. Ramos and cursing and acting in a loud boisterous manner. Defendant also resisted arrest while I attempted to handcuff him." At 9:30 PM he made the entry, "One under at § 87(2)(b), § 87(2)(b) by partner Ramos."

At approximately 9:30 PM, Officer Brian Ramos and Officer Lisette Ramos were positioned outside of the front doors to § 87(2)(b) preparing to do a vertical patrol of the building when they observed two black male individuals, § 87(2)(b) and § 87(2)(b) enter the building. § 87(2)(b) was smoking a cigarette. The officers followed § 87(2)(b) and § 87(2)(b) into the building and approached them in the elevator. The officers told § 87(2)(b) to step out of the elevator. § 87(2)(b) stepped in between the officers and § 87(2)(b). Officer Brian Ramos asked § 87(2)(b) to get out the way as the officers intended to issue § 87(2)(b) a summons. § 87(2)(b) was willing to comply and provide his identification, but § 87(2)(b) continued to intervene. § 87(2)(b) took § 87(2)(b) cigarette, put it out and said, "It's done." When the officers told him that it was not over and that § 87(2)(b) would get a summons, § 87(2)(b) pushed Officer Lisette Ramos on her upper body. Officer Brian Ramos removed § 87(2)(b) from the elevator by holding his shoulders. § 87(2)(b) was argumentative and resisted Officer Brian Ramos who intended to arrest him § 87(2)(b). Officer Brian Ramos was able to put § 87(2)(b) on the lobby floor and placed him in handcuffs in a matter of seconds although § 87(2)(b) offered much resistance. The officers escorted § 87(2)(b) outside to the sector car they had called for assistance to transport § 87(2)(b) to the station house. Lieutenant Brian McGee was outside of the building.

Officer Brian Ramos denied pushing § 87(2)(b) into the lobby from the elevator. He stated that he did take § 87(2)(b) to the floor, but that according to his training and experience he used only the necessary amount of force to accomplish this. He further denied that Officer Lisette Ramos pushed § 87(2)(b)'s face into the floor. Officer Brian Ramos stated that he did not speak much at all with § 87(2)(b) during their interaction and that he did not threaten to arrest him. Officer Brian Ramos denied making any threats of force to § 87(2)(b), such as, "If you make a sound, I'm going to break your shit." Officer Brian Ramos denied making any discourteous comments towards § 87(2)(b) such as, "What the fuck do you think this is? Walk, stupid," "You're nothing but a punk bitch," or "You're nothing but a perp." Officer Brian Ramos denied that he pushed § 87(2)(b) into a wall, window or door near the front entrance. He further denied that he pushed § 87(2)(b) down the stairs in front of the building while escorting him to the vehicle.

§ 87(2)(b)'s mother § 87(2)(b) came outside of the building. When § 87(2)(b) observed that she was there he started acting aggressively towards the police officers. He was cursing and attempting to flail his arms around even though he was in handcuffs. Officer Brian Ramos heard § 87(2)(b) tell § 87(2)(b) repeatedly, "Stop resisting." She also told the officers to put § 87(2)(b) into the vehicle. She also spoke with Lieutenant McGee in order to find out what had happened. Officer Brian Ramos and Officer Lisette Ramos put § 87(2)(b) into the back of the vehicle with difficulty. § 87(2)(b) was kicking Officer Brian Ramos. Once § 87(2)(b) was final secured inside the vehicle he kicked at the windows. Officer Brian Ramos denied that Officer Lisette Ramos punched § 87(2)(b) during the struggle to get him into the vehicle. He further denied that Lieutenant McGee threatened § 87(2)(b) with the use of force due to the fact that he resisted getting into the vehicle. Officer Brian Ramos could not recall if there were any other civilian witnesses present. § 87(2)(b) fled from the lobby when § 87(2)(b) was cuffed and did not return for the duration of the incident.

Sergeant Gregory Green reported to the location after § 87(2)(b) was secured in the vehicle. Officer Brian Ramos stated that he resumed patrol while Officer Lisette Ramos processed the arrest.

Subject Officer Lieutenant Brian McGee of P.S.A. #2

August 28, 2003: Lieutenant Brian McGee was interviewed at the CCRB on this date (enc. 16a-d). On 4/16/03, Lieutenant McGee was in uniform and working alone as the supervising lieutenant for Operation Impact for P.S.A. #2. At approximately 9:30 PM, Lieutenant McGee responded alone to a call for assistance from Officer Lisette Ramos and Officer Brian Ramos at § 87(2)(b) a housing project area covered by their foot post for the evening. Upon arrival he found the two officers standing outside of the location on the street with an individual, § 87(2)(b) in handcuffs. They notified Lieutenant McGee that the individual was under arrest for intervening with the issuance of a summons for § 87(2)(b) to another individual. A marked police vehicle was at the location, and Officer Lisette Ramos and Officer Brian Ramos were preparing to place § 87(2)(b) inside of it to transport him to the station house. At this stage § 87(2)(b)'s demeanor was calm.

Before § 87(2)(b) was placed in the vehicle, § 87(2)(b), § 87(2)(b)'s mother, came downstairs to find out what was going on. When she was present § 87(2)(b) became irate. He was asking his mother things to the effect of, "Why are they doing this?" Officer Lisette Ramos and Officer Brian Ramos attempted to place § 87(2)(b) in the back seat of the vehicle but he offered much resistance. Lieutenant McGee could not state whether or not § 87(2)(b) was kicking Officer Ramos. § 87(2)(b) did not want to get into the vehicle and resisted. Officer Lisette Ramos and Officer Brian Ramos had to push § 87(2)(b) into the vehicle. Lieutenant McGee could not recall whether or not the officers went around to the other side of the vehicle to pull § 87(2)(b) inside. Lieutenant McGee specified that the force was necessary due to § 87(2)(b)'s resistance, and that the minimal amount of force was applied. Lieutenant McGee did not witness Officer Lisette Ramos punching § 87(2)(b) while placing him in the vehicle or at any other time during the incident. § 87(2)(b) was yelling while he was being placed in the vehicle, but Lieutenant McGee could not recall what he was saying or whether or not he was saying, "She punched me," or anything to that effect. Lieutenant McGee could not recall if any other officers assisted Officer Lisette Ramos and Officer Brian Ramos in placing § 87(2)(b) into the vehicle.

While this was taking place Lieutenant McGee was conversing with § 87(2)(b) trying to explain to her what had transpired between her son and the officers and what was going to happen. § 87(2)(b) was irate and did not want to listen to Lieutenant McGee's explanations. When asked if § 87(2)(b) said anything to the effect of, "Just get him into the car," he stated that it was possible she was trying to calm her son down at the time. Lieutenant McGee denied that he ever stated anything about "having to break § 87(2)(b)'s arms in order to get him into the vehicle" to § 87(2)(b). There were two or three civilian witnesses present that Lieutenant McGee believed to be family members of § 87(2)(b). Lieutenant McGee stated that the individual who had been smoking the cigarette in the elevator was not present at this time. Lieutenant McGee left the incident location and returned to the station house once § 87(2)(b) was secured inside of the vehicle.

§ 87(2)(b) came to the station house later and Lieutenant McGee spoke with her again. She wanted to file a complaint and Lieutenant McGee provided her with the appropriate paperwork. He could not recall whether Sergeant Green was present at the time. Lieutenant McGee was inside the station house while § 87(2)(b)'s arrest was processed, but he did not directly witness this process. He stated that he did not witness Officer Lisette Ramos making any discourteous remarks to § 87(2)(b) nor did he witness anything out of the ordinary while his arrest was processed.

Witness Officer Sergeant Gregory Green formerly of P.S.A. #2

August 22, 2003: Sergeant Gregory Green was interviewed at the CCRB on this date (enc. 15a-e). Sergeant Green is now assigned to the Applicant Processing Division. On 4/16/03, Sergeant Green worked in uniform as a supervisor for "Operation Impact." He was assigned RMP 9254 with Officer Latoya McLeod as his operator. Sergeant Green read the entries in his Memo Book pertinent to the case. At 9:30 PM he reported as an additional unit to post #247 at § 87(2)(b). At 9:40 PM Sergeant Green resumed patrol. At 11:20 PM he received § 87(2)(b)'s complaint at the station house whereby she alleged that Officer Lisette Ramos used excessive force when arresting her son § 87(2)(b).

Sergeant Green heard the 10-85 over his radio and reported to the incident location with his operator Officer McLeod. Upon arrival he found out there was one under arrest, § 87(2)(b) who was already cuffed and in the back of a marked police vehicle. Lieutenant Brian McGee was standing in front of the vehicle speaking with § 87(2)(b). Sergeant Green did not hear the material of their conversation. § 87(2)(b) seemed generally upset because her son had been arrested, but he did not perceive her demeanor to be anything out of the ordinary. There were other civilians present, but Sergeant McGee did not take note of them in particular. He also did not take note of § 87(2)(b)'s demeanor inside of the vehicle. Sergeant Green assessed that the situation was under control, the defendant was secured and that the officers could then depart from the location.

Sergeant Green was not present at the station house when Officer Lisette Ramos processed § 87(2)(b)'s arrest. He was present, however, when § 87(2)(b) came to file her complaint. Sergeant Green took § 87(2)(b)'s complaint.

Police Department Documents

Sprint Job W13997

The Sprint Printout and Police Radio Communications in connection with Sprint Job W13997 on 4/16/03 (enc. 17a-b) show that Officer Lisette Ramos called for backup at § 87(2)(b) for a non-emergency crime arrest at 9:34 PM. Lieutenant McGee reported to the incident location at the same time. The arrest was finalized at 11:56 PM.

P.S.A. #2 Roll Call

According to P.S.A. #2 Roll Call for Tour 3 on 4/16/03 (enc. 18a-o), Sergeant Green was assigned as one of the supervising officers for Operation Impact. Lieutenant McGee was assigned as the platoon commander. Officer Lisette Ramos and Officer Brian Ramos were assigned to Foot Post #247 for Operation Impact.

Command Log

An entry made in the P.S.A. #2 Command Log (enc. 19) on 4/16/03 at 9:45 PM reflects the arrest of § 87(2)(b) by Officer Lisette Ramos in front of § 87(2)(b) at 9:34 PM § 87(2)(b) § 87(2)(b). It is noted that force was used to restrain § 87(2)(b) in order to effect the arrest. § 87(2)(b)'s mother § 87(2)(b) was notified of the arrest. § 87(2)(b) was transported to Brooklyn Central Booking the following day, 4/17/03, at 3:30 PM.

Prisoner Holding Pen Roster

According to the P.S.A. #2 Prisoner Holding Pen Roster for § 87(2)(b) (enc. 20), § 87(2)(b) was placed in a holding cell and guarded by Officer Lisette Ramos. This document reflects that § 87(2)(b) remained in custody at the P.S.A. #2 station house until § 87(2)(b).

§ 87(2)(b), § 87(2)(a) 160.50

§ 87(2)(b), § 87(2)(a) 160.50

§ 87(2)(a) 160.50, [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Incident Location Video Surveillance Footage

Video surveillance footage of the portion of the incident that occurred up until the point § 87(2)(b) was escorted out of the lobby of § 87(2)(b) was captured on a Viper Unit videotape and secured at IAB in connection with Log #03-08931. This evidence was reviewed for the CCRB investigation (enc. 22) and is summarized below. There were four different viewpoints captured on tape.

The first view is of the inside of the lobby of § 87(2)(b). At 9:27 PM Officer Lisette Ramos and Officer Brian Ramos enter the lobby. Officer Lisette Ramos enters the doorway of the lobby elevator and Officer Ramos stands behind her. Officer Brian Ramos eventually pulls § 87(2)(b) out of the elevator and into the lobby using both of his hands. § 87(2)(b) follows § 87(2)(b) and the officers out of the elevator and into the lobby. The two officers circle § 87(2)(b). Officer Brian Ramos positioned closer to § 87(2)(b) attempting take hold of him as he changes directions. Officer Lisette Ramos extends her arm toward § 87(2)(b), separating him from the rest of the group. Officer Lisette Ramos then assists Officer Brian Ramos

in restraining § 87(2)(b) Officer Brian Ramos puts § 87(2)(b) onto the floor with minimal effort. § 87(2)(b) moves around on the floor as both officers hold his arms behind his back. § 87(2)(b) observes from the front doorway and then enters the elevator. The officers' hands remain at their sides and make no excessive or violent motions. Officer Brian Ramos reaches into one of his pockets, perhaps to take out handcuffs. § 87(2)(b) moves on the floor enough to change the position he faces. Eventually the two officers successfully restrain § 87(2)(b) in handcuffs and pick him up off of the floor. Officer Brian Ramos immediately follows Officer Lisette Ramos outside of the lobby as he leads § 87(2)(b) using two hands on his shoulders.

The second view is from inside of the elevator of § 87(2)(b) § 87(2)(b) and § 87(2)(b) enter the elevator, § 87(2)(b) positioned closest to the door. Officer Lisette Ramos approaches and stands in the elevator door. She gestures with her hand and says something. She takes off her police hat. Officer Brian Ramos stands at her right shoulder and does not say or do anything. She repeats the same motion and phrase approximately three times. She points towards the front doors to the lobby with her index finger. § 87(2)(b) bends over towards the floor in front of him at the elevator floor. When he rights himself PO2 repeats her motion and phrase. § 87(2)(b) and § 87(2)(b) edge towards the back right of the elevator. Officer Ramos steps into the elevator and escorts § 87(2)(b) out with both hands on § 87(2)(b)'s back.

The third view shows Officer Lisette Ramos pursuing § 87(2)(b) and § 87(2)(b) into the elevator lobby. She points at them and says something. Officer Brian Ramos follows her. The fourth view shows the front entrance of § 87(2)(b) § 87(2)(b) and § 87(2)(b) approach the front doors from a walkway. Officer Lisette Ramos and Officer Brian Ramos stand at the sides of the front entrance.

Civilian Criminal Conviction History and Subject Officer CCRB History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Officer Lisette Ramos and Officer Brian Ramos are both in their second years on the force. Lieutenant Brian McGee is in his fourteenth year on the force. The officers all have no previously substantiated CCRB allegations (enc. 1-3).

Notice of Claim

§ 87(2)(b) filed a claim against the City of New York on § 87(2) (enc. 24a-c) concerning his arrest on 4/16/03 at § 87(2)(b) in Brooklyn. He filed this claim for the amount of one million dollars. He claims that he was "assaulted," "battered," "injured," unlawfully arrested and imprisoned," etc., by various "negligent" members of the New York City Police Department. § 87(2)(b) claims physical injury to his body.

Conclusions and Recommendations

Officer Identification

The identity of the subjects of § 87(2)(b) and § 87(2)(b)'s allegations is not disputed. § 87(2)(b) provided Lieutenant McGee's last name as the officer who threatened § 87(2)(b) with the use of force. Both Officer Lisette Ramos and Officer Brian Ramos admit to using force in order to arrest § 87(2)(b) § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Established Facts

§ 87(2)(b) and § 87(2)(b) entered the lobby of § 87(2)(b) in Brooklyn at approximately 9:30 PM on 4/16/03. § 87(2)(b) was holding a lit cigarette. Officer Lisette Ramos and Officer Brian Ramos pursued § 87(2)(b) and § 87(2)(b) into the building in order to issue a summons to § 87(2)(b) § 87(2)(b) § 87(2)(b). The officers stopped § 87(2)(b) and § 87(2)(b) in the elevator and asked § 87(2)(b) to step out and into the lobby. § 87(2)(b) interfered by stepping in between § 87(2)(b) and the police officers. He took the cigarette away from § 87(2)(b) and either put it out on the elevator floor or dropped it down the elevator shaft. Officer Brian Ramos removed § 87(2)(b) from the elevator. Officer Brian Ramos and Officer Lisette Ramos placed § 87(2)(b) in handcuffs on the lobby floor and escorted him out of the building. § 87(2)(b) notified § 87(2)(b)'s family of the arrest. § 87(2)(b), § 87(2)(b)'s mother, and § 87(2)(b), § 87(2)(b)'s sister, witnessed § 87(2)(b) being placed into a police vehicle to be transported away from the scene. § 87(2)(b) resisted the officers' efforts to place him into the vehicle.

Issues in Dispute

§ 87(2)(b) alleges that Officer Brian Ramos and Officer Lisette Ramos used excessive physical force to arrest him. § 87(2)(b) alleges specifically that Officer Brian Ramos pushed him against a wall, "slammed" him onto the lobby floor and pushed him into a window. He further alleges that Officer Lisette Ramos pushed his face into the lobby floor and punched him in the face while he was in the police vehicle. Both officers denied these specific allegations and stated that though they did use force due to § 87(2)(b)'s resistance, the force used was necessary and minimal. As discussed in more detail below, § 87(2)(b) alleges that the officers abused their authority in various ways, spoke rudely towards him and that Officer Lisette Ramos denied him her identification information when he requested it at the station house. The officers denied these allegations as well. Lastly, § 87(2)(b) alleges that Lieutenant McGee threatened § 87(2)(b) with the use of force. However, Lieutenant McGee denied this allegation.

Credibility

§ 87(2)(b) alleges that Officer Lisette Ramos and Officer Brian Ramos used excessive force against him in the lobby of § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(b). He stated that he was not a witness to the events outside of § 87(2)(b) during his telephone interview, yet he later on in that same interview he stated the opposite and provided an account identical to § 87(2)(b)'s of the events outside. § 87(2)(b) confirmed that § 87(2)(b) was not outside during the latter portion of the arrest. § 87(2)(b), § 87(2)(g)

§ 87(2)(b). He described the officers pushing and "slamming" him against a wall, the floor and the lobby windows. The video footage reveals that the officer did handcuff § 87(2)(b) on the lobby floor, yet that they accomplished this swiftly despite § 87(2)(b)'s movements of resistance. Further, they did not push him against the lobby windows as they escorted outside. § 87(2)(b) received no medical attention, though he claims that he suffered physical injury and has made a claim against the City of New York to that effect.

§ 87(2)(b), § 87(2)(g). § 87(2)(b) admitted to cursing at Lieutenant McGee when pressing for information regarding her son's arrest. § 87(2)(b) confirmed that § 87(2)(b) yelled at § 87(2)(b) to stop resisting the officers. § 87(2)(b) stated that Officer Lisette Ramos punched § 87(2)(b) because he was trying to get out of the police vehicle, and § 87(2)(b) stated that she could not see Officer Lisette Ramos' hand make contact with § 87(2)(b)'s face from her perspective. § 87(2)(b), § 87(2)(g)

§ 87(2)(b). He added that Officer Lisette Ramos said, "So what?" to the crowd after punching § 87(2)(b)

§ 87(2)(g)

Allegation A: Force: Officer Brian Ramos used physical force against § 87(2)(b)

Allegation B: Force: Officer Lisette Ramos used physical force against § 87(2)(b)

§ 87(2)(b) alleges that Officer Brian Ramos and Officer Lisette Ramos used physical force against him. As discussed above, § 87(2)(b) stated that Officer Brian Ramos pushed him against a wall in the lobby of § 87(2)(b) “slammed” him onto the floor and pushed him into a lobby window while escorting him out of the building. He further stated that Officer Lisette Ramos pushed his face into the lobby floor. According to Patrol Guide Procedure 203-11 (enc. A), the minimum amount of force is to be used by a member of service when necessary. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Concerning the alleged force used by the officers outside of § 87(2)(b) § 87(2)(b) admitted to resisting their efforts to secure him inside of the police vehicle. The officers admitted that they had to push and pull § 87(2)(b) into the vehicle. Again, they stated that the force used was both necessary and minimal. § 87(2)(b) stated that Officer Lisette Ramos punched him in the face. Officer Lisette Ramos denied that she punched § 87(2)(b) but did state that her hand unintentionally brushed § 87(2)(b)'s face while she was pulling him into the vehicle. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) did not receive medical treatment from any injuries resulting from these alleged instances of excessive force. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation C: Abuse of Authority: Officer Brian Ramos threatened § 87(2)(b) with the use of force

Allegation D: Abuse of Authority: Lieutenant Brian McGee threatened § 87(2)(b) with the use of force

§ 87(2)(b) alleges that Officer Brian Ramos threatened him with the use of force by stating, “If you make a sound, I’m going to break your shit.” § 87(2)(b) alleges that Lieutenant Brian McGee threatened § 87(2)(b) with the use of force by stating the officers putting § 87(2)(b) inside of the police vehicle would have to “break his arm.” Officer Brian Ramos and Lieutenant McGee deny that they made these threats. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation E: Discourtesy: Officer Brian Ramos spoke rudely to § 87(2)(b)

Allegation F: Discourtesy: Officer Lisette Ramos spoke rudely to § 87(2)(b)

Allegation G: Abuse of Authority: Officer Lisette Ramos refused to provide her name and shield number to § 87(2)(b)

§ 87(2)(b) alleges that both Officer Brian Ramos and Officer Lisette Ramos spoke rudely to him at several points during his arrest. § 87(2)(b) further alleges that Officer Lisette refused to provide her name and shield number to him. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: